

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

| | | |
|---|---|-------------------------|
| DARLEANE LEONARD, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. |
| |) | _____ |
| AMERICAN SECURITY INSURANCE COMPANY, |) | |
| |) | |
| Defendant. |) | |

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(a) and 1446, *et seq.*, defendant, American Security Insurance Company (“ASIC”) files this Notice of Removal of this action from State Court to this Court and respectfully states as follows:

1. On October 22, 2013 plaintiff, Darleane Leonard (“Leonard”) commenced a civil action in the Circuit Court for Blount County, Tennessee (“the State Court”), bearing the style, *Darleane Leonard v. American Security Insurance Company*, Docket No. L-18485 (“the Civil Action”). The Civil Action is still pending in the State Court.
2. ASIC was served with a copy of the Summons and Complaint in the Civil Action on October 28, 2013 copies of which are attached as Exhibit A, and which constitute all process, pleadings, and orders served on ASIC in the Civil Action to date.

3. ASIC has, to date, made no appearance in the Civil Action in State Court.
4. The Civil Action is one of which this Court has jurisdiction pursuant to 28 U.S.C.

§ 1332 and removal jurisdiction pursuant to 28 U.S.C. § 1441 in that:

- (a) ASIC both at the time of filing of the Civil Action and as of the date of filing of this Notice, was and is an insurance incorporated under the laws of the State of Delaware with its principal place of business in the State of Georgia.
- (b) Leonard both at the time of filing of the Civil Action and as of the date of filing this Notice, was and is a citizen of the State of Arkansas.
- (c) Jurisdiction exists between all parties properly joined in the civil action in that the civil action is between citizens of different States, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.
- (d) This action is within the original jurisdiction of the Court pursuant to the provisions of 28 U.S.C. § 1332.

5. ASIC has filed this Notice prior to the expiration of thirty (30) days following its receipt of a copy of the Complaint.

6. The judicial district and division of this Court embraces Blount County, Tennessee, the place where the Civil Action is pending.

7. ASIC will give written notice to plaintiff and will file a Notice of Filing of Notice of Removal with the Clerk of the Circuit Court for Blount County, Tennessee. ASIC attaches a copy of the Notice of Filing of Notice of Removal as **Exhibit B**.

WHEREFORE, defendant, American Security Insurance Company prays that the Civil Action now pending against it in the Circuit Court for Blount County, Tennessee, be removed therefrom to this Court.

Respectfully submitted,

/s/ S. Russell Headrick

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*Attorneys for Defendant American Security
Insurance Company*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing **Notice of Removal** has been filed electronically and has been served upon the following persons by delivering same to the offices of said counsel, or by faxing and/or mailing same to the offices of said counsel by United States Mail with sufficient postage thereon to carry the same to its destination.

Kevin W. Shepherd
200 E. Broadway Avenue, Suite 410
Maryville, Tennessee 37804
(865) 982-8060

Tom Hatcher
Blount County Circuit Court Clerk
926 E. Lamar Alexander Pkwy.
Maryville, TN 37804-6201

This 4th day of November 2013.

/s/ Russell Headrick
S. Russell Headrick